



TOWN BOARD REGULAR MEETING
October 11, 2010 - 7:00 P.M.
Town Board Chambers – 301 Walnut Street
Windsor, CO 80550

MINUTES

A. CALL TO ORDER

1. Roll Call

The following Town Board members were present:

Mayor Pro-Tem Matthew O'Neill
Robert Bishop-Cotner
Mike Carrigan
Kristie Melendez
Jon Slater
Don Thompson

Absent: Mayor John Vazquez

Also present:	Town Attorney	Ian McCargar
	Town Manager	Kelly Arnold
	Director of Engineering	Dennis Wagner
	Director of Human Resources	Mary Robins
	Director of Parks & Recreation	Melissa Chew
	Director of Planning	Joe Plummer
	Director of Public Works	Terry Walker
	Chief of Police	John Michaels
	Town Clerk	Patti Garcia
	Parks & Open Space Manager	Wade Willis
	Art & Heritage Manager	Carrie Knight

2. Pledge of Allegiance

Town Board Member Bishop-Cotner led the Pledge of Allegiance.

3. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board

Town Board Member Slater motioned to approve the Agenda as presented; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Slater, Thompson

Nays – None. Motion carried.

4. Board Liaison Reports

- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission Alternate
Town Board Member Bishop-Cotner noted the Historic Preservation Commission would be meeting on Wednesday and will finalize plans for the Historic Walking Tour scheduled for Friday from 6-9 p.m.
- Town Board Member Carrigan – Water & Sewer Board
No report.
- Mayor Pro-Tem O'Neill – Library Board; Planning Commission; North Front Range/MPO Alternate
Mayor Pro-Tem O'Neill noted the Library Board met on September 28 and passed a resolution in opposition to Amendments 60 & 61 and Proposition 101. Library news included an art show that

will be on display through November 4, the arrival of the bookmobile in mid-November along with the library hosting a murder/mystery on October 30 and 31. The Planning Commission did not convene due to lack of a quorum; many of the commissioners were attending the state-wide planning conference. Mr. O'Neill noted the Colorado Municipal League held a board meeting on September 29 at which it was determined that a 4% dues rebate will be available to municipalities that renew their membership prior to January 31. Mayor Pro-Tem O'Neill also noted the District 2 meeting that was hosted by Windsor was a success.

- Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board
Town Board Member Melendez noted the Chamber of Commerce met on October 6 and discussed avenues to educate the public regarding the lodging tax. Ms. Melendez reported that 75 new homeowners have taken advantage of the \$500 shopping spree being promoted by the Chamber and sponsored by the Town of Windsor. Additionally at the Chamber meeting, they increased and approved the continued SBDC funding for 2011 and noted that the Board of Director election is coming up and the candidate registration deadline is October 20. Ms. Melendez also noted a forum that would be held at the Community Recreation Center on Wednesday that will provide information regarding the upcoming ballot issues.
 - Town Board Member Slater – Tree Board; Windsor Housing Authority
Town Board Member Slater noted the Tree Board continues to work on the Eastern Colorado Community Forestry Conference which will be hosted by Windsor. The regularly scheduled Windsor Housing Authority meeting will be held October 21st. Prior to that meeting, there will be a joint meeting of the Town Board and Windsor Housing Authority on Monday, October 15 at 5:30 p.m. at the Century III complex.
 - Town Board Member Thompson – Parks & Recreation Board, Great Western Trail Board
Town Board Member Thompson reported over 300 people attended October Fest at the Community Recreation Center. The Parks & Recreation Board discussed three items; two of which are included on the agenda – the off-leash dog swim area and the caboose donation. The third item was dialogue regarding charging a fee for use of the Art & Heritage Center.
 - Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT)
No report.
5. Public Invited to be Heard
Matt Hallis, 363 Goose Lake Court, addressed the Board regarding cul de sacs and snow removal. Mr. Hallis requested information regarding the Town's process in removing snow in cul de sacs during the winter season.

Director of Public Works Walker reported the snow plow plan is on the web page and posted/updated each year before the snow season arrives. Mr. Walker reported the policy is that crews begin plowing once snow accumulation is at 3 inches; plowing is done on 126 miles of road which does not include cul de sacs. If the snow is deep and if time allows, the crews will plow one way in and one way out of the cul de sacs. Mr. Walker noted he just doesn't have the man power to plow the cul de sacs on a regular basis.

Mayor Pro-Tem O'Neill recommended Mr. Hallis contact Mr. Walker or Town Manager Arnold to discuss his concerns.

B. CONSENT CALENDAR

1. Minutes of the September 27, 2010 Regular Town Board Meeting – P. Garcia
2. Report of Bills – D. Moyer
3. Liquor License Renewal – Windsor Arena Sports, LLC, Beer & Wine Liquor License – P. Garcia
4. Liquor License Report of Changes – Windsor Arena Sports, LLC, Beer & Wine Liquor License – P. Garcia

5. A Resolution Approving the First Amendment to the Serfer Annexation and Master Plan Agreement and Authorizing the Mayor to Execute the Same – D. Wagner (Resolution No. 2010-47)
6. A Resolution Approving the Second Amendment to the Great Western Annexation Agreement, and Authorizing the Mayor Pro Tem to Execute the Same – I. McCargar (Resolution No. 2010-48)
Town Board Member Slater motioned to approve the Consent Calendar as presented; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:
Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Slater, Thompson
Nays – None. Motion carried.

C. BOARD ACTION

1. An Ordinance Calling a Special Municipal Election of the Town of Windsor on January 11, 2011 to Submit to the Qualified Electors of a Proposed Windsor Downtown Development Authority (the DDA) the Question Concerning the Formation of a DDA – Second Reading – E. Fields (Ordinance No. 2010-1389) (Super-majority vote required for adoption on second reading)
Town Board Member Slater motioned to adopt Ordinance No. 2010-1389, An Ordinance Calling a Special Municipal Election of the Town of Windsor on January 11, 2011 to Submit to the Qualified Electors of a Proposed Windsor Downtown Development Authority (the DDA) the Question Concerning the Formation of a DDA on second reading; Town Board Member Bishop-Cotner seconded the motion.

Town Attorney McCargar noted the ordinance was the statutorily required method to bring the proposed Downtown Development Authority formation to the voters.

Mayor Pro-Tem O'Neill opened the meeting for public comment, to which there was none.

Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Slater, Thompson
Nays – None. Motion carried.

2. A Resolution Calling a Special Municipal Election of the Town of Windsor on January 11, 2011 to Submit to the Qualified Electors of a Proposed Windsor Downtown Development Authority (the "DDA") the Question Concerning the Formation of the DDA – I. McCargar (Resolution No. 2010-49)
Town Board Member Slater motioned to approve Resolution No. 2010-49; Town Board Member Melendez seconded the motion.

Town Attorney McCargar reported the Town of Windsor Charter requires that special elections be called for by resolution.

Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Slater, Thompson
Nays – None. Motion carried.

3. A Resolution Regarding the Composition and Appointment of Windsor Downtown Development Authority Board Members and the Intention to Negotiate and Execute an Intergovernmental Agreement Between the Town of Windsor and the Windsor Downtown Development Authority in Connection with Interim Funding of Activities and Operation of the Windsor Downtown Development Authority – I. McCargar (Resolution No. 2010-50)
Town Board Member Melendez motioned to approve Resolution No. 2010-50; Town Board Member Slater seconded the motion.

Town Attorney McCargar noted the resolution was created largely by the downtown group and provides assurances in two areas; how to go about appointing membership of the Downtown Development Authority board members and indication that we will supply them with interim financing. He had reviewed the resolution and it had been accepted by the downtown group.

Town Manager Arnold inquired if residents could be added into the composition as an eligible applicant to the DDA Board as there are residents in the designated boundaries as well as business owners. Additionally, Mr. Arnold asked about adding hospitality as a service related to the composition and size of the DDA Board. He noted the hospitality industry could be included as part of the seven members that would be appointed by the Town Board.

Bob Winter, owner of 419 Main Street and steering committee member, noted the reason residents had not been included was that residents come and go and the committee felt that property and business owners would probably have more at stake and should be the primary voters. If residents are included they may need to look at having a larger Board. Mr. Winter noted that the inclusion of residents had not been discussed at the steering committee meetings but was willing to take the idea to the committee if requested.

Town Attorney McCargar stated the overall emphasis on the Master Plan and the DDA is focused on business development and commerce and understands why residents were not included. Mr. McCargar noted that the steering committee could discuss the option and the resolution could be brought before the Town Board at a later date as long as it was before the election in January. It was also noted that the resolution could be approved tonight and amended at another time.

Town Board Member Melendez stated that there should be consideration of the composition of the Board and it should be discussed at a later date; Ms. Melendez recommended moving forward with the resolution.

Town Board Member Thompson reported he would like to see the steering committee take the option under consideration as residents and their property values could be impacted. He also requested to see in the future a mitigation plan noting how it would impact residents in the area; he would like to see a plan of how residents will be notified of activities or changes that will be going on.

Mr. Winter stated there are some residences in the DDA boundaries but they are all rentals. He requested that the Town Board take a position on the resolution as presented knowing it could be amended later if needed.

Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson

Nays – None. Motion carried.

4. Ordinance amending Chapter 16 of the Windsor Municipal Code to require the payment of building permit plan review fees and building permit administrative fees for commercial and industrial projects at the time commercial and industrial building permits are submitted to the Town of Windsor for review – Second Reading – J. Plummer (Ordinance No. 2010-1390)

(Super-majority vote required for adoption on second reading)

Town Board Member Slater motioned to adopt Ordinance No. 2010-1390, Ordinance amending Chapter 16 of the Windsor Municipal Code to require the payment of building permit plan review fees and building permit administrative fees for commercial and industrial projects at the time commercial and industrial building permits are submitted to the Town of Windsor for review on second reading; Town Board Member Bishop-Cotner seconded the motion.

Director of Planning Plummer noted the ordinance had passed on first reading at the September 27 Town Board meeting and that there had been questions regarding how the ordinance would work and the amount of fees that would be due upfront for commercial and industrial projects. Mr. Plummer reported on the email that had been sent out earlier noting that the plan review fee is equal to 65% of the building permit fee and the 25% administrative fee which is a combination of the building permit, electrical and construction meter fees. He noted the permit fees submitted for the construction of the police department were approximately 2.5% of the total fees for the plan review fee and approximately 1.4% of the total fees for the administrative fee. If a project is cancelled or put on hold, the fees will not be returned.

Town Board Member Melendez noted concerns regarding the amount of the upfront fees and inquired if the Town could accept less than 25% for administrative fees. Mr. Plummer noted the ordinance requires that the Town collect the 25% administrative fee and that it is not a new fee; it would just be collected at a different time in the permit process. Ms. Melendez also inquired if there was information regarding the administrative fees collected by other municipalities as the survey information only had plan review fees listed.

Town Board Member O'Neill clarified that the fees would be taken upfront to cover the work that was already being done by SAFEbuilt and the Town of Windsor.

Russ Weber, SAFEbuilt, noted the survey that had been completed was for plan review fees only and did not include administrative fees. The fees being requested are the same as what would be collected at the time a building permit is picked up; there would be no change in fees collected. Mr. Weber noted that Windsor has a fee schedule, and based on that schedule if someone submitted a \$100,000 project, the permit fee would be approximately \$860 fee and the plan review fee would be 65% of that amount. Mr. Weber also spoke with the building officials from Longmont and Fort Collins who reported they did not see a negative impact in commercial or industrial building activity when they began taking in fees upfront.

Patrick McMeekin, Water Valley Land Company, spoke out against the plan review ordinance due to the current economic climate. Mr. McMeekin reviewed the budget issues related to collecting fees upfront. He noted he is not opposed to the fees; just the timing of the collection of them. He requested the ordinance be tabled for year to allow the economy to firm up.

The Town Board discussed the ordinance and noted that Water Valley Land Company is not the norm related to the payment of fees. There are many times that the building permits are not picked up and the fees are not collected. Town Board Member Bishop-Cotner stated SAFEbuilt should be paid for the work they have done, notwithstanding whether the permit is picked up or not.

Mayor Pro-Tem O'Neill stated that he believes since the work is being done that it should be paid for up front.

Town Board Member Melendez inquired if the percentage could be negotiated to which Director of Planning Plummer noted the 65% fee is set by the International Building Code construction table which has been adopted by the Town.

Mayor Pro-Tem O'Neill reviewed the spreadsheet included in the Town Board packet that noted the various projects that been reviewed but had not pulled a permit; one from almost three years ago.

John Moore, 1180 W. Ash, Windsor, addressed the Town Board and noted he could see both sides but noted that when working on a commercial or industrial project the review fees are built into the budget. Mr. Moore stated that it provides the actual value for the plan review and is a great process to go through so a person does not run into issues after the fact.

Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Slater, Thompson

Nays – None. Motion carried.

5. A Resolution of Support for the Town's Efforts at Seeking a Grant from Colorado State Trails Program for the Construction of Trail Improvements within the Town of Windsor, Colorado – M. Chew (Resolution No. 2010-51)

Town Board Member Slater motioned to approve Resolution No. 2010-51; Town Board Member Carrigan seconded the motion.

Director of Parks & Recreation Chew reported on the resolution and noted the grant funding is from the Colorado lottery. The 2011 budget included \$140,000 in support of trail development and the grant application of \$200,00 would cover the \$340,000 project.

Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson

Nays – None. Motion carried.

6. A Resolution Approving and Encouraging the Town Manager’s Efforts to Secure a United States Department of Commerce Economic Development Administration Grant to be Used for the Purpose of Improving the Town of Windsor Waste Water Treatment Plant and Related Facilities – K. Arnold (Resolution No. 2010-52)

Town Board Member Slater motioned to approve Resolution No. 2010-52; Town Board Member Melendez seconded the motion.

Town Manager Arnold reported on the grant request from the Economic Development Administration (EDA) for the wastewater improvement project for the interceptor. The EDA encouraged the Town to apply for the \$1,673,890 grant which would be used in conjunction with Town funds to work on the Headworks Project. There are administrative needs related to an EDA grant which includes oversight by the federal government and a lot of paperwork. The project is estimated to be 18 months from project start and would be scheduled for completion in 2012.

Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson

Nays – None. Motion carried.

7. A Resolution Approving an Addendum To An Intergovernmental Agreement By, Between And Among The Town Of Windsor, Weld County School District Re-4, Windsor-Severance Library District, And Windsor-Severance Fire Protection District, And Authorizing The Mayor Pro Tem To Execute Same – T. Walker, I. McCargar (Resolution No. 2010-53)

Town Board Member Slater motioned to approve Resolution No. 2010-53; Town Board Member Bishop-Cotner seconded the motion.

Town Attorney McCargar noted the resolution approves an intergovernmental agreement to allow the library bookmobile to utilize the fuel at fuel facility jointly used by the Town, School District and Fire District.

Town Manager Arnold stated the use of the fuel facility by the library bookmobile is a good limited use by a non-profit for the community. Mr. Arnold noted that open use of the facility should not be encouraged and that this request should be considered a special circumstance.

Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson

Nays – None. Motion carried.

8. A Resolution Approving the Accessioning of a 1927 Colorado & Southern Railway Caboose by the Town of Windsor – M. Chew, C. Knight (Resolution No. 2010-54)

Town Board Member Melendez motioned to approve Resolution No. 2010-54; Town Board Member Carrigan seconded the motion.

Art & Heritage Manager Knight noted the prior deaccessioning process the Town Board had participated in and that the item on the agenda was related to the accessioning of the caboose into the Town’s permanent collection. Potential impacts of value would include liability and maintenance costs. The liability would be insurance due to the value of the property.

Roll call on the vote resulted as follows:

**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson
Nays – None. Motion carried.**

9. A Resolution Approving Guidelines Concerning the Naming or Renaming of Recreational Facilities, Parks and Open Space Areas within the Town of Windsor, Colorado – M. Chew (Resolution No. 2010-55)
Town Board Member Slater motioned to approve Resolution No. 2010-55; Town Board Member Bishop-Cotner seconded the motion.

Parks & Open Space Manager Willis noted the guidelines to adopt a park naming policy was brought before the Parks & Recreation Advisory Board and recommended to go to Town Board for approval. The policy provides structure for a park naming policy. Town Manager Arnold had recommended that there be language included referencing that neighborhoods have the ability to name their parks, to allow the neighborhood to have preference to the naming since it is their park.

Town Board Member Slater motioned to allow staff to amend the guidelines to include a provision for neighborhood park naming; Town Board Member Bishop-Cotner seconded the motion.

Roll call on the vote resulted as follows:

**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson
Nays – None. Motion carried.**

Mayor Pro-Tem O’Neill called for a vote on Resolution No. 2010-55.

Roll call on the vote resulted as follows:

**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson
Nays – None. Motion carried.**

10. A Resolution Approving an Amendment to the Windsor Lake Master Plan for the Purpose of Incorporating an Off-Leash Dog Area – M. Chew, W. Willis (Resolution No. 2010-56)
Town Board Member Slater motioned to approve Resolution No. 2010-56; Town Board Member Bishop-Cotner seconded the motion.

Parks & Open Space Manager Willis reported on the resolution and noted that staff had developed an off-leash dog swim area on the north side of Windsor Lake. The Parks & Recreation Advisory Board recommended revising the master plan to include a permanent off-leash area.

Roll call on the vote resulted as follows:

**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson
Nays – None. Motion carried.**

11. Adoption of 2011-2012 Town of Windsor Strategic Plan – K. Arnold
Town Manager Arnold noted the final draft of the Strategic Plan was included in their packet. Mr. Arnold stated that once the Plan is adopted then it would be ready to put out to the public through the website, Channel 8 and other available modes of communication. Staff will continue to base recommendations on how items relate to the Strategic Plan. The marketing component will be done by the consultants. The Plan can be amended with the economic development plan if needed.

Town Board Member Slater motioned to adopt the 2011-2012 Town of Windsor Strategic Plan as presented; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson
Nays – None. Motion carried.**

12. Financial Report – D. Moyer

Director of Finance Moyer provided an overview of the Financial Report and noted that sales tax collections were up and higher than September, 2009. A bonus in September included a check for \$144,000 from The Dillon Co. due to an audit conducted by the State of Colorado. A year to date comparison showed the Town is ahead of budgeted figures for this time of year. Mr. Moyer reviewed the number of building permits that had been issued compared to how many were projected. The Town currently has issued 99 single family home permits, 1 commercial and 2 industrial permits and had projected for 2010 87 total new construction permits. It is estimated that the Town will collect between \$4.8-\$5M in sales tax this year which would be a new high for Windsor.

D. COMMUNICATIONS

1. Communications from the Town Attorney
Town Attorney McCargar reported on the recent CML Attorney Conference he had attended and noted that the Town's medical marijuana regulatory ordinance stands out as it is tied to grow operations or infused products to a licensed center. Mr. McCargar also noted he is looking for Weld County high school teams to compete in a mock trial exercise and represent northern Colorado.
2. Communications from Town Staff
 - Chief of Police Michaels noted that on October 31st the police department in conjunction with the Optimists Club would be hosting the 28th annual Halloween party from 6-8 p.m. at the Community Recreation Center.
 - Director of Parks & Recreation Chew reported she had attended the Colorado Parks & Recreation Conference and that the Town of Windsor had received a Starburst Award for the underpass engineering for the Poudre Trail; she congratulated the engineering staff on their efforts.
3. Communications from the Town Manager
Town Manager Arnold introduced Mike Montgomery who was visiting from Colorado State University. Mr. Montgomery is majoring in political science and is interested in city management. Mr. Arnold also noted he would be attending the ICMA conference in San Jose and that Parks & Recreation Director Chew would be acting Town Manager in his absence.
4. Communications from Town Board Members
Town Board Member Carrigan inquired if timing for the park in Peakview was going to be pushed to which Mr. Arnold stated he believes a meeting with the HOA would be a good place to start and discuss the park and how the ranking is developed.

Town Board Member Thompson noted the mile markers on the Poudre Trail and how they enhance the trail.

Mayor Pro-Tem O'Neill stated he would be attending Coffee with the Mayor on Saturday. The event is to be held at Loodles.

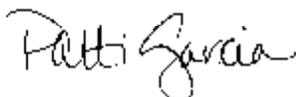
E. ADJOURN

Town Board Member Bishop-Cotner motioned to adjourn; Town Board Member Slater seconded the motion.

Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Slater, Thompson

Nays – None. Motion carried.



Patti Garcia, Town Clerk